

09-22-05

Substitute for PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket No.: A0625-US-NP

XERZ 2 00383

Application No.: 09/737,883

Filed: December 15, 2000

Title: METHOD AND APPARATUS FOR DETERMINING A LOCATION OF DATA IN AN OPEN SPECIFICATION ENVIRONMENT

First Named Inventor: Katherine E. Hayes

Art Unit: 2626

Examiner: Ebrahimi-dehKordy, Saeid

Applicant(s) request(s) review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

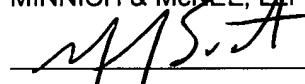
Note: *No more than five (5) pages may be provided.*

I am the

- applicant/inventor.
 assignee of record of the entire interest See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
 attorney or agent of record.
 attorney or agent acting under 37 CFR 1.34.

Respectfully submitted,
FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

Date: September 21, 2005


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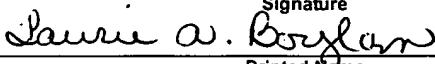
NOTE: Signature(s) of all the inventor(s) or assignee(s) of record of the entire interest or their representative(s) is/are required. Submit multiple forms if more than one signature is required, see below*.

- *Total of 1 forms are submitted.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Katherine E. Hayes
FOR : METHOD AND APPARATUS FOR
DETERMINING A LOCATION OF DATA IN
AN OPEN SPECIFICATION
ENVIRONMENT

SERIAL NO. : 09/737,883
FILED : December 15, 2000
GROUP ART UNIT : 2626
CONFIRMATION NO. : 2201
EXAMINER : Ebrahimi-dehKordy, Saeid
LAST OFFICE ACTION : April 21, 2005

ATTORNEY DOCKET NO. : A0625-US-NP
XERZ 2 00383

COMMENTS FOR PRE-APPEAL BRIEF CONFERENCE

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On July 29, 2004, an initial Office Action issued rejecting claims 1-21 (all claims of the application). On October 26, 2004, an amendment was filed by Applicant responding to the initial Office Action. An Office Action made final was mailed April 21, 2005. Applicant contacted the Examiner and also filed an Amendment After Final on August 31, 2005. As of today, Applicant is not aware of the Examiner's position regarding that amendment. Therefore Applicant initially discusses the status of the application as if the After Final Amendment has not been entered.

In the October 26, 2004 amendment, Applicant distinguished the claims over the cited and applied Rosenlund patent by arguing that a key feature of the Rosenlund patent was that the locations of the servers in associated file paths are known entities. More particularly, the DCM system logs in high resolution files at the

beginning of the process. Thus it was concluded the cited Rosenlund patent system did not need to find the correct locations/path(s) for the inserted files or to be concerned with mapping pathnames for paths that are not recognized by a certain server because all of the server functions are centralized (see amendment of October 26, 2004, the last two lines of page 7 through the end of the first partial paragraph of page 8.)

On the other hand, it is noted the present application exists where there is "no centralized system tracking data." (See page 8 of the October 26th amendment).

In the October 26th amendment, **claim 1** was amended to clarify that the present application is able to determine a location of an image stored using a second system which is different from the first as a function of the above comment (see claim 1 of the October 26th amendment).

Independent **claim 16** calls for a processing device for identifying one of (1) a mapping or (2) a search path which serve as a function for a comment representing a low-resolution version of the image. Mapping is used in the case where the paths are specified to a storage location but the paths, as specified, are not recognized by the server. Search paths are specified general locations where the processor will search for files. Again these features are not shown in the centralized storage system of Rosenlund nor are they necessary because the DSM and HSM systems know the exact location of all files in the system (see Office Action of October 26, 2005, page 8, last full paragraph).

A new dependent **claim 22** was added in this first Office Action which again clarifies that the processing network is a "first processing network" and a high resolution version of the image is saved at a storage location within a "second processing network" different from the first.

Again, it is submitted the network of the cited Rosenlund patent does not include two separate processing networks (see claim 22).

In the October 26, 2005 Office Action, it was argued that **claim 10** was distinct from the cited references. Particularly, in the Office Action the Examiner suggested that the hierarchical storage management (HSM) system met the limitations of prescanning the publication data for verifying the potential pathname. However, the HSM system, as a hierarchical system was noted to already contain a table (i.e. the HFD – col. 14, lines 37-40) of known locations of files. Therefore, this reference would have no need to prescan a potential pathname to verify that it is correct. The HSM system already knows the pathname is correct. Therefore the HSM system provides no prescanning or verification of potential pathnames.

On the other hand, a review of **claim 10** clearly calls for prescanning the publication data for verifying the potential pathname (see claim 10). As such, **claim 10** is clearly distinct from Roselund.

In response to Applicant's October 26, 2004 amendment, an Office Action was issued on April 21, 2005.

In that response, the Examiner addressed comments of **claim 1** and **claim 16**. However, and as pointed out to the Examiner, no response to the arguments of **claim 10** were found. The Examiner indicated the arguments presented to other claims were applicable. Applicant has reviewed the Examiner's response to the amendments and, respectfully submit they are not persuasive and therefore maintains the arguments presented in the amendment of October 26, 2004 and particularly to **claim 10** which has not been addressed.

Additionally, independent claim 1 is further distinguished for the discussion regarding use of a first system and second system. Similarly, claim 22 dependent

from claim 16 is also distinguished based on the distinction clearly recited two distinct processing systems. Therefore, if it is submitted that the language in claim 1 which calls for simply two different systems, is not sufficient, Applicant does specifically point to the language of claim 22 which calls for two separate "processing" systems. This is a level of distinction which even more particularly clarifies the distinctions of the cited art.

However, turning now to the After Final Amendment, in an effort to move prosecution of the present application forward, Applicant submitted the Amendment After Final dated August 31, 2005. In that amendment, Applicant cancelled **claim 7** (which included the limitation of prescanning the data stream for verifying the image exists at the location) and incorporated this subject matter into independent **claim 1**. Further, the subject matter of dependent **claim 19** was cancelled and incorporated into independent **claim 16** (wherein the processing device prescans data corresponding to the high-resolution version of the image).

Therefore, the arguments presented in regard to the distinctions of **claim 10** related to the prescanning concept were incorporated into independent **claims 1 and 16** (see Amendment After Final dated August 31, 2005).

As stated on page 7 of the After Final Amendment, the April 21, 2005 Office Action made no comments regarding the argument directed to patentability of **claim 10** (i.e. related to the prescanning distinction). In the Amendment After Final, Applicant traverses the position **claim 10** has been addressed or taught (see pages 7 - 9).

For the above noted reasons, it is submitted independent **claims 1, 10, and 16** are distinguished from the cited art.

In a telephone conversation on September 20, 2005 the Examiner indicated that he did not believe the Amendment After Final would be entered as it would require additional consideration. Applicant noted to the Examiner that they did not believe additional consideration was necessary as all that Applicant undertook was the entry of the limitations of claim 7 into claim 1, and claim 19 into claim 16. Applicant submits position the Amendment After Final should be entered. However, if this amendment is not entered, Applicant believes the arguments presented with regard to the prescanning concepts would show that the dependent claims 7 and 19, along with the concepts of claim 10 distinguish from the cited art. Additionally, the amendments related to the different processing systems as in claim 1 and claim 22 are also distinguishing.

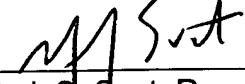
Therefore, whether the Amendment After Final is entered or not entered, Applicant submits there is distinguishing subject matter not taught or fairly considered by the cited art within the claims of the present application.

Applicant requests favorable attention to the above.

Respectfully submitted,
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9/21/05

Date


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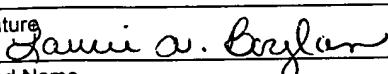
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Date
September 21, 2005

Printed Name
Laurie A. Boylan